



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/565,528

06/30/2006

Jon Grant

AIP-007

9915

45812 7590 10/22/2008
Law Office of MICHAEL D. EISENBERG
Intellectual Property Law
3263 CAMINITO EASTBLUFF, Suite 198
LA JOLLA, CA 92037

EXAMINER

TIETJEN, MARINA ANNETTE

ART UNIT

PAPER NUMBER

3753

MAIL DATE

DELIVERY MODE

10/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,528	Applicant(s) GRANT, JON	
	Examiner MARINA TIETJEN	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/23/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is responsive to the amendment filed on 09/08/2008. Claims 1-3 and 7 have been amended, and claims 5-6 and 13 have been cancelled. Thus, claims 1-4, 7-12 are presently pending in this application.

Claim Objections

2. Claim 2 is objected to because of the following informalities: Claim 2 cannot be dependent on Claim 2. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 recites the limitation "the resilient means" in line. There is insufficient antecedent basis for this limitation in the claim. As best understood for the purpose of examination, it is assumed "the resilient means" should read "the coil spring".

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Norkey et al. (5054743).

Regarding Claim 1, Norkey et al. disclose a valve (Fig. 4) capable of selectively providing access to a supply of drinking fluid retained within a portable flexible container, the valve comprising: a tubular body 28 (Fig. 4) having at one end a stem 26 (Fig. 4) insertable into an opening (of conduit 27, Fig. 4) in communication with the container (not shown, but would be the fluid source for conduit 27) and at its other end an outlet 29 (Fig. 4) through which fluid from the container can leave the valve (Fig. 4); a piston 42 (Fig. 4) mounted for sliding movement within a central bore 31 (Fig. 4) of the body 28; a coil spring 43 (Fig. 4) for urging the piston 42 into engagement with an annular seating 39 (Fig. 4) positioned at the bore end 32 (Fig. 4) closest to the outlet 29; and a separable connector 24 (Fig. 5) for moving the piston 42 against the action of the coil spring 43 to enable fluid to be drawn from the container past the piston 42 and through the outlet 29.

Art Unit: 3753

Regarding Claim 2, Norkey et al. disclose the container is connected to the valve (Fig. 4) through a flexible conduit 27 (Fig. 4), one end of which defines the opening of the conduit (Fig. 4) remote from the container.

Regarding Claim 3, Norkey et al. disclose wherein the stem 26 is formed with two or more annular serrations or steps (Fig. 4) to assist retention within the opening in communication with the container.

Regarding Claim 4, Norkey et al. disclose the stepped stem 26 is inserted into that end of the conduit 27 remote from the container.

Regarding Claim 8, Norkey et al. disclose the piston 42 includes one or more internal open-ended passageways (shown by dashed-lines, Fig. 5) through which water drawn into the valve (Fig. 5) can pass to the outlet 29 when the piston 42 is moved away from its seating 39.

Regarding Claim 9, Norkey et al. disclose the outlet 29 is formed in a tubular end piece of the body 28.

Regarding Claim 10, Norkey et al. disclose the end of the piston 42 remote from the stem 26 is positioned below the outlet 29.

Regarding Claim 11, Norkey et al. disclose the piston 42 is movable from its position in sealing engagement with the annular seating 39 by a male member 56 (Fig. 4) carried by a conduit 63 (Fig. 4) through which drinking fluid can be drawn from the container.

Art Unit: 3753

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Norkey et al. (5054743) in view of Nimberger et al. (5215120).

Regarding Claim 7, Norkey et al. disclose the invention as essentially claimed, except for the annular seating tapered inwardly towards the outlet of the valve with the piston end closest to the outlet being similarly tapered.

Nimberger et al. teach an annular seating 36 (Fig. 3) tapered inwardly towards the outlet of a valve with a piston end 54 (Fig. 3) closest to the outlet being similarly tapered for the purpose of providing a superior seal and because it is well known to provide a tapered valve head with a tapered seat.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Norkey et al.'s invention such that the annular seating is tapered inwardly towards the outlet of the valve with the piston end closest to the outlet being similarly tapered, as taught by Nimberger et al., for the purpose of providing a superior seal and because it is well known to provide a tapered valve head with a tapered seat.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Norkey et al. (5054743) in view of Eger (4629098).

Art Unit: 3753

Regarding Claim 12, Norkey et al. disclose the invention as essentially claimed, except for the male member comprises a tubular casing in which is mounted a central rod spaced from an internal wall of the casing by an annular seal displaceable through contact with the piston end.

Eger teaches a male member comprises a tubular casing 43 (Fig. 5) in which is mounted a central rod 45, 47 (Fig. 5) spaced from an internal wall of the casing 43 by an annular seal 48 (Fig. 5) displaceable through contact with a piston end 49 (Fig. 5) for the purpose of providing a finger-pad adapter which allows liquids to be easily and quickly discharged at a satisfactory rate.

It would have been obvious to one of ordinary skill at the time the invention was made to modify Norkey et al.'s invention such that the male member included a tubular casing in which is mounted a central rod spaced from an internal wall of the casing by an annular seal displaceable through contact with the piston end for the purpose of providing a finger-pad adapter which allows liquids to be easily and quickly discharged at a satisfactory rate.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4, 7-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARINA TIETJEN whose telephone number is (571) 270-5422. The examiner can normally be reached on Mon-Thurs, 9:00AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GREG HUSON can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3753

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen M. Hepperle/
Primary Examiner, Art Unit 3753

/M. T./
Examiner, Art Unit 3753